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Commissioner for Patents
Washington, D.C. 20231
on July 19, 2001

Date of Deposit

John G. Rauch, Reg. No. 37,218
Name of applicant, assignee or
Registered Representative


Signature

7/19/2001
Date of Signature

Our Case No. 10506/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Rafie, et al.

Serial No. 09/764,202

Filing Date: January 17, 2001

For CARRIER PHASE RECOVERY
SYSTEM FOR ADAPTIVE BURST
MODEMS AND LINK HOPPING
RADIO NETWORKS

)
)
)
) Examiner: not yet assigned
)
) Group Art Unit No.: 2631
)
)
)

**PETITION UNDER 37 C.F.R. §1.47(b)
TO ACCEPT APPLICATION WHERE
ALL INVENTORS ARE UNAVAILABLE**

Assistant Commissioner for Patents
Washington, D.C. 20231

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01 70:122 Dear Sir: CH

Applicant respectfully petitions for acceptance of the of the enclosed Declaration under 37 C.F.R. §1.47 and MPEP §409.03(b). One of the joint inventor, Tushar Shah, cannot be found or reached after diligent efforts or have refused to sign the declaration for the above-referenced patent application.

(A) As set forth in MPEP §409.03(b), the following are enclosed: An oath per 37 CFR 1.63 and 1.64 or 1.75;

(B) I, John G. Rauch, represent Caly Networks ("Caly"), the current assignee of the above-referenced patent application. I have no direct relationship with any of the named inventors;

(C) Attached herewith is the affidavit of Richard Silverstein per MPEP 409.03(d) indicating the facts relating to the diligent efforts made to secure the execution of the declaration of inventor Shah;

(D) The last known address of inventor Shah is as follows:

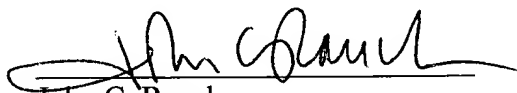
Tushar Shah, 325 Woodruff Way, Milpitas, CA 95035 (Home).

(E) Attached herewith is the Employment, Confidential Information, Invention Assignment and Arbitration Agreement signed by inventor Shah agreeing to assign to Caly his interest in any inventions jointly or solely made by inventor Shah during his time of employment by Caly, thus giving Caly proprietary ownership of the invention; and

(F) This petition is necessary to preserve Caly's rights and to prevent irreparable damage because the statutory time limit for responding to the Notice to File Missing Parts is approaching. The Notice to File Missing Parts was mailed on April 27, 2001 with a due date of June 27, 2001.

Acceptance of the enclosed Declaration is respectfully requested.

Respectfully submitted,



John G. Rauch
Registration No. 37,218
Attorney for Caly Networks

July 19, 2001

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